



U.S. Department of Justice

United States Attorney
Southern District of New York

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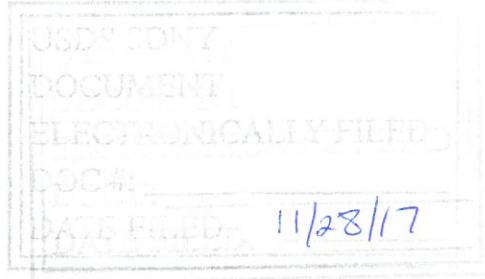
MEMO Distribution:

October 6, 2016

**REQUEST TO BE FILED
UNDER SEAL**

By Electronic Mail

The Honorable Richard J. Sullivan
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: United States v. Jona Rechnitz, 16 Cr. 389 (RJS)

Dear Judge Sullivan:

The Government respectfully submits this letter to inform the Court of the need for continued sealing of the matters in this case. For the Court's reference, the Government attaches as Exhibit A, the Government's most recent submission on this matter dated September 12, 2016. (the "September 12 Letter").

The investigations described in the September 12 Letter are ongoing, and the Government believes that continued sealing of court documents relating to the defendant and delayed docketing both remain necessary to protect the integrity of ongoing criminal investigations and the defendant's safety.

First, the defendant's cooperation in the uncharged cases described in the Government's September 12 Letter of the persons described as the "Fundraiser," "Elected Official-1," and "Elected Official-2" are ongoing. As noted in the Government's prior letters on this matter, public disclosure of the limited materials that exist in this matter – the Information and the defendant's plea – could alert these individuals, as well as witnesses to the conduct being investigated, to the existence of the investigations and have adverse consequences. For one, charges have not yet been brought against the potential targets, two of whom are public elected officials. Thus, premature public disclosure of the defendant's cooperation *before* formal charges have been brought could have an effect on the interests of those public officials and the

government and public bodies they oversee, and also could hamper the Government's ability to continue to effectively investigate these cases. *See United States v. Cojab*, 996 F.2d 1404, 1408 (2d Cir. 1993) ("we have recognized as additional sufficient reasons for closure and sealing those occasions where an ongoing government investigation may be jeopardized"); *United States v. Haller*, 837 F.2d 84, 88 (2d Cir. 1988) (affirming decision to seal that portion of a plea agreement that referred to a defendant's ongoing cooperation).

Second, the Government respectfully submits that continued sealing is necessary to ensure the continued safety of the defendant. Although the Government is unaware of any additional threats to the defendant since the submission of the September 12 Letter, official disclosure of the defendant's identity and cooperation would likely lead to renewed threats against him or his family.

Third, the sealing of this case would not be indefinite. The defendant may testify in a case pending before the Honorable Katherine B. Forrest in *United States v. Peralta*, 16 Cr. 354 (KBF). Since the submission of the September 12 Letter, a trial date of May 15, 2017 has been set in that case. Further, the next pretrial conferences in the other two charged cases in which the defendant may testify -- *United States v. Grant, et al.*, 16 Cr. 468 (GHW) and *United States v. Seabrook, et al.*, 16 Cr. 467 (ALC), are scheduled for October 2016 and November 2016, respectively. No trial dates have been set in *Seabrook* and *Grant*. However, once the defendant's identity is officially disclosed as a witness in any of these cases, the necessity for continued sealing will have dissipated, and the Government will of course apprise the Court of any such change in circumstance affecting the need for continued sealing in this case.

For the foregoing reasons, the Government respectfully requests that the defendant's Information, related charging paperwork, waiver of indictment and plea remain under seal, and that docketing of those materials be delayed until further order of this Court. Counsel for the defendant joins in this request.

IT IS HEREBY ORDERED THAT, for the reasons previously stated by the Court, the sealing order in this case shall remain in place and this Order and the previous submissions in this case shall remain under seal until further order of the Court. IT IS FURTHER ORDERED THAT the government shall provide a status report by November 7, 2016 -- and every 30 days thereafter -- regarding the continuing need, if any, for sealing in this matter.

Atch.

Cc: Alan Levine, Esq.
Laura Birger, Esq.
Counsel for the Defendant
(By electronic mail)

Respectfully submitted,

PREET BHARARA
United States Attorney

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SO ORDERED
Dated: 10/6/16
RICHARD J. SULLIVAN
U.S.D.J.